IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Corey M. Grove et al.
Serial No. 09/992,684
Filed: November 19, 2001
For: MODULAR HELMET-MASK ASSEMBLY
Attorney Docket No.: DAM 557-01

Group Art Unit: 3734
Examiner: Michael G. Mendoza

Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

1. REAL PARTY IN INTEREST

The Real Party in Interest for the above identified application is the United States of America, as represented by the Secretary of the Army. The United States of America, as represented by the Secretary of the Army, is the Real Party in Interest by assignment from all the inventors.

2. RELATED APPEALS AND INTERFERENCES

Neither the appellant, the appellant's legal representative, nor the assignee know of any other appeals or interferences which will have any bearing on the Board's decision in the pending appeal.

3. STATUS OF THE CLAIMS

Claims 1-7, 10-12 and 17-20 are pending in the application and have been finally rejected and are on appeal. Claims 8-9 and 13-16 have previously been canceled.

4. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the response filed September 15, 2005, in response to the examiner's non-final Office Action which was mailed on May 18, 2005. A final

rejection was mailed on June 24, 2008, and a Notice of Appeal was filed on September 23, 2008, in response thereto.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention pertains to a modular mask-helmet assembly comprising a helmet for physical protection of the head and a face protection assembly which can be attached to and detached from the helmet, said face protection assembly including a mask having a face seal to provide an airtight seal to the wearer's face, a nosecup and air filtration for protection against airborne toxic chemical and biological agents, and a face protection shell for physical protection. A novel feature of the present invention is the fact that the face seal is sealed to the wearer's face independent of the face protection assembly's attachment to the helmet. More specifically, the mask's face seal and nosecup are engaged to wearer's face by a harness attached to the face protection shell, not by any attachment to the helmet. The face protection assembly can be attached by snaps to the helmet to produce the modular helmet-mask assembly, but the face protection assembly is engaged to the face of the wearer independently from the helmet, so that a very tight face seal is maintained "free-floating" from the helmet. This configuration maintains a highly airtight and flexible face seal contributing to a high "protection factor" for the mask, similar to those maintained by military respiratory masks in highly toxic environments. Such high protection factors are required for protection against extremely toxic chemical and biological warfare agents.

Independent Claim 1, with reference to Figures 1-4, recites a modular helmet-mask assembly **10** which comprises: (a) a helmet **20** capable of enclosing the head of a user, said helmet comprising an impact resistant material; and (b) a face protection assembly **30**, alternately

attachable to and detachable from a front part of said helmet **21**, which face protection assembly **30** comprises (i) a face protection shell **31** comprising an impact resistant material; (ii) a vision port **32** through the shell at the level of the eyes of a user; (iii) a flexible nosecup assembly **33** within the shell, which nosecup assembly **33** is positioned to engage the mouth and nose of a user, said nosecup comprising a breathe-through airflow assembly **38** and a filter unit **39**; (iv) a flexible face seal **34**, disposed on an inner surface of the shell **31** around the nosecup assembly **33** and the vision port **32**, which face seal **34** is capable of engaging the face of a user; and (v) an adjustable head harness **35** attached at an surface of the shell **31** or the face seal **34** which is capable of engaging the back of a user's head to thereby adjustably secure the face seal **34** and nosecup assembly **33** to a user's face, and (c) either (i) or (ii): (i) a transparent, impact resistant lens **40** fixed to the vision port **32** at the level of the eyes of a user; (ii) a transparent, impact resistant lens **40** rotatably attached at the front part of the helmet **21** and positioned to alternately engage and disengage with the vision port **32** of the shell **31** at the level of the eyes of a user. Claims 2-7 and 10-12 are either directly or indirectly dependent from Claim 1 and are further limiting thereto. See specification page 6, line 23, through page 11, line 21.

Independent Claim 17, recites a method of protecting a user from chemicals and includes the steps of providing the modular mask-helmet assembly reciting language identical to that in Claim 1, along with additional steps of placing the face protection assembly on the user's face, adjusting the head harness to secure the face seal and nosecup to the user's face, placing the helmet on the user's head, and adjusting the helmet. Claims 18-20 are directly dependent from Claim 1 and are further limiting thereto. See specification page 6, line 23, through page 11, line 21.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether or not Claims 1, 3, 4, 6, 7, 10, 11, 17, 19, and 20 are unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882. Claims 3-4, 6-7, and 10-11 are directly or indirectly dependent from Claim 1. Therefore, if Claim 1 is allowed Claims 3, 4, 6, 7, 10 and 11 should also be in condition for allowance. Claims 19 and 20 are directly dependent from Claim 17, therefore if Claim 17 is allowed Claims 19-20 should also be in condition for allowance.

(b) Whether or not Claims 2, 12, and 18 are unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882 as applied to Claims 1, 2 and 17 above, and further in view of Lane 5,555,569. Claims 2 and 12 are directly or indirectly dependent from Claim 1. Therefore, if Claim 1 is allowed Claims 2 and 12 should also be in condition for allowance. Claim 18 is directly dependent from Claim 17, therefore if Claim 17 is allowed Claim 18 should also be in condition for allowance.

(c) Whether or not Claim 5 is unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882 and further in view of Epperson et al. 6,279,172. Claim 5 is directly dependent from Claim 1, therefore if Claim 1 is allowed Claim 5 should also be in condition for allowance.

7. ARGUMENT

(a) Whether or not Claims 1, 3, 4, 6, 7, 10, 11, 17, 19, and 20 are unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882.

It has been asserted that Gallet teaches the elements of Claims 1 and 17, the two independent claims in the case, with the exceptions of: (1) wherein the face protection shell

comprises impact resistant material, and (2) the limitation of an adjustable head harness attached at a surface of the face protection shell or face seal which is capable of engaging the back of a user's head. It is asserted that it would have been obvious to use impact resistant material to prevent breakage. It has also been asserted that Vogliano teaches an apparatus with a common head harness attached to a surface of the shell or the face seal, therefore it would have been obvious to include the adjustable heads harness of Vogliano with the modular helmet-mask assembly of Gallet to allow the face protection assembly to be worn without the use of the helmet.

It is respectfully submitted that Gallet and Vogliano do not actually teach, disclose, and/or suggest all of the claim limitations of Claims 1 and 17 and that, therefore, the rejection under 35 U.S.C. § 103(a) should be withdrawn. In addition, it is well established law that a determination of obviousness requires that the combined prior art not only teach all the elements of the claimed invention, but that the prior art provide some reason for the combination.

Claims 1 and 17 both recite "A modular helmet-mask assembly which comprises: (a) a helmet capable of enclosing the head of a user, said helmet comprising an impact resistant material; and (b) a face protection assembly, alternately attachable to and detachable from a front part of said helmet, which face protection assembly comprises (i) a face protection shell comprising an impact resistant material; (ii) a vision port through the shell at the level of the eyes of a user; (iii) a flexible nosecup assembly within the shell, which nosecup assembly is positioned to engage the mouth and nose of a user, said nosecup comprising a breathe-through airflow assembly and a filter unit; (iv) a flexible face seal, disposed on an inner surface of the shell around the nosecup assembly and the vision port, which face seal is capable of engaging the

face of a user; and (v) an adjustable head harness attached at an surface of the shell or the face seal which is capable of engaging the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face, and (c) either (i) or (ii): (i) a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user; (ii) a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user."

It has been conceded that Gallet does not teach a face protection shell (mask) in a helmet-mask assembly including "an adjustable head harness" as claimed by applicant. However, it has now been asserted that Vogliano teaches an adjustable head harness for a mask, and therefore it would have been obvious to combine the harness of Vogliano with the helmet-mask assembly of Gallet.

First of all, it has been conceded that Gallet does not teach an adjustable head harness as a component of the face protection shell or mask. Rather, Gallet discloses a two-point spring and hook system which attaches the mask to the helmet of the user. Gallet's mask is held and sealed to the face of the wearer by attachment to the helmet worn by the wearer. The two-point hook and spring system can then be tightened to secure the mask to the face of the user through tension to the helmet. The face protection shell or mask of Gallet does not teach or suggest the adjustable head harness as claimed by applicant. Gallet's device and applicant's invention differ in a very fundamental way. Gallet's design of attaching a mask to a helmet for sealing the mask to the face of the wearer is known by applicants to be defective in that such a configuration will not maintain an airtight face seal because of the direct attachment to the helmet.

In contrast, applicant's face protection shell (or mask) includes its own adjustable head harness which is capable of engaging the back of the user's head to thereby adjustably secure the face seal and nosecup assembly to the user's face. This creates a "floating" face seal for the mask relative to the helmet. This adjustable harness is included as an element of the face protection shell in Claims 1 and 17, and is described on page 10, lines 1-9, of the specification. Applicant's invention provides a "floating" seal which allows for protection to be maintained when the helmet is engaged so that the realignment caused by engaging the helmet does not affect the seal already achieved through the multi-point suspension harness. Since the helmet and mask seal sizes and alignments vary from person to person, the seal must float or the seal for many individuals will be broken upon engagement. The referenced patents do not have a means to effectively accommodate alignment issues which contributes to the loss in protection offered by these approaches. The combination of a multi-point suspension and the floating seal provides a means for the helmet-mask assembly to maintain very high protection factors in a toxic environment. In contrast, the face protection shell or mask of Gallet does not include a head harness to secure the mask to the user's face, but rather only attaches to the sides of the helmet through the two-point hook and spring system. In Gallet, only the helmet (not the mask) includes a head harness to engage the head of the user, but it is not part of the mechanism for securing the mask to the face of the user, it merely supports the helmet on the user's head.

In fact, the approach used by Gallet for integrating a mask and helmet shell has been used in the past in a number of integrated helmet-mask projects. Failure of these systems to achieve the protection levels required for chemical-biological protection ultimately lead to applicant's invention. Attaching a mask to a helmet in a manner described by Gallet is suitable for the low

levels of protection previously needed by police and firefighters. Commercial standards require a 50:1 protection factor for negative pressure respirators. Military chemical-biological protection requirements mandate a protection factor of at least 10,000:1. Achieving these high levels of protection in a negative pressure system requires the use of a multi-point suspension. Gallet cannot achieve these high levels of protection because the seal is being pushed onto the face with a two-point attachment system which is inadequate to achieve a uniform seal distribution on the face. This uneven distribution of the seal not only provides inadequate protection, but can also create significant discomfort for the wearer thereby limiting sustained operations.

In addition, engagement of the mask and helmet shell as required for modular integration must not interfere with the sealing quality of the mask. The Gallet system uses blocks to limit ratcheting the mask facepiece. This approach prevents the mask seal from properly engaging the wearer's face unless the head is precisely aligned in the helmet shell prior to engagement of the mask facepiece. As a result, a custom fit operation must be performed in order to achieve even the low levels of protection offered by this design.

Vogliano has been relied on as teaching a head harness attached directly to a mask. However, Vogliano teaches an apparatus for enabling a strapless mask, which is designed only for use with a protective helmet, to be worn without the helmet. The strapless mask described in Vogliano is designed only for use with a protective helmet, and is attached to the protective helmet via plugs **3** and plug receptacles **4**. Like Gallet, this is a standard mask-helmet configuration in the prior art wherein the mask is held to the wearer's face via the attachment to the helmet. It is this configuration which applicants have found to cause defective seals between the mask and the wearer's face because the helmet can loosen or break the mask's face seal as

the wearer moves his/her head. Since the mask is strapless, Vogliano teaches that the strapless mask (which is ordinarily only used with a helmet) can be removed from the helmet and inserted into a detachable, resilient mask holder (Vogliano's invention) so that the strapless breathing mask can be used without the helmet. Under normal operations, the strapless mask would be used in combination with the helmet by attaching it to the helmet using a helmet mounted connector system of plugs and receptacles. Should the helmet be removed, the strapless mask can be fitted with Vogliano's mask holder comprising a head-based suspension system, to allow the mask to be worn without the helmet.

This approach has two main problems. First, the helmet can not be removed without losing mask protection when converting from a helmet mounted strapless mask to Vogliano's mask holder. Second, the mask holder/suspension system of Vogliano and the helmet are not designed to work together in any way. In fact, if Vogliano's holder suspension system were used together with a protective helmet, the result would be nothing more than what has always existed and been used by the military and other wearers, i.e., a mask engaged to the wearer's face by head straps or suspension system independent from the helmet, with the protective helmet worn on top of the mask's straps and/or suspension system. This approach has proven defective for both the integrity of the mask's face seal, and the comfort and proper fit of the protective helmet. It is because of the shortcomings of the simple, non-integrated helmet and mask combination, and the shortcomings of masks configured to maintain their face seal by attachment to the helmet, that applicant's have invented the modular mask-helmet assembly as described and claimed in the present application.

Applicant's Claims 1 and 17 both include "(a) a helmet capable of enclosing the head of a user, said helmet comprising an impact resistant material; and (b) a face protection assembly, alternately attachable to and detachable from a front part of said helmet, which face protection assembly comprises (i) a face protection shell comprising an impact resistant material; (ii) a vision port through the shell at the level of the eyes of a user; (iii) a flexible nosecup assembly within the shell, which nosecup assembly is positioned to engage the mouth and nose of a user, said nosecup comprising a breathe-through airflow assembly and a filter unit; (iv) a flexible face seal, disposed on an inner surface of the shell around the nosecup assembly and the vision port, which face seal is capable of engaging the face of a user; and (v) an adjustable head harness attached at an surface of the shell or the face seal which is capable of engaging the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face, and (c) either (i) or (ii): (i) a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user; (ii) a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user." This design configuration of the face protection assembly and its integration with a helmet as described and claimed by applicant are simply not taught or suggested by the combination of Gallet and Vogliano. Applicant's face protection assembly includes a face protection shell having a nosecup assembly with filters, a flexible face seal, and a head harness for engaging the back of the wearer's head to secure the face seal to the user's face. This system of creating an airtight seal is independent of the helmet, which can be attached to the face protection assembly after the face protection assembly is donned by the user.

Moreover, there is no teaching or suggestion in Vogliano that the mask holder system described therein can or should be used in combination with a helmet. In fact, Vogliano expressly teaches that the mask holder/suspension is intended to be used only when the mask is not being used in combination with the helmet. Essentially, Vogliano teaches away from using the suspension system when the strapless mask is combined with a helmet. Furthermore, even if Vogliano's mask holder/suspension were used under the helmet it does not provide any capability over a standard non-integrated mask and helmet system. Comfort, stability, and protection problems between the mask and the helmet will persist as is common with all non-integrated helmet and mask systems available in today's market. A high-protection factor mask seal is simply not maintained in non-integrated mask-helmet combinations.

It should be recognized that applicant's have designed a modular helmet-mask assembly that addresses a long desired need to provide both helmet and face mask protection while maintaining a face seal that provides a very high protection factor required for military personnel operating in a chemical or biological warfare environment. It does this by including an internal harness system as part of the mask which seals the mask (face protection shell) to the face of the user, and allows the helmet to be engaged with the mask in a fashion that will not affect the mask's face seal after the helmet is attached to the face protection shell and the helmet stabilized. While many helmets provide crash and ballistic protection, applicants are not aware of any that provide internal chemical-biological protection without the use of some external means of forced blown filtered air.

In contrast to the teachings of Gallet and Vogliano, applicant's design provides a high, military level, protection factor because the mask (face protection assembly) is sealed to the face

using an adjustable head harness which engages the back of the wearer's head and is preferably connected to the mask facepiece, as reflected in Claim 1. In addition, Claim 17 clearly recites a method for donning the mask-helmet assembly such that an effective seal is maintained even after the helmet is engaged to the mask. Applicant's invention also provides for an adjustment pad at the back of the helmet to better position the helmet on the user's head as recited in Claim 2. The combination of Vogliano and Gallet do not teach, disclose, suggest or provide a reason for the combination comprising applicant's invention as recited in Claims 1 and 17. Of course, Claims 2-7 and 10-12 are dependent from Claim 1, and Claims 18-20 are dependent from Claim 17, and are further limiting thereto. Therefore, these claims should also be in condition for allowance.

In summary, applicant's invention overcomes the problems of Gallet and Vogliano by providing for a means of achieving a very high level of protection while providing for a comfortable and stable integrated mask-helmet solution. Additionally, applicant's invention overcomes the problems of Vogliano by providing an integrated helmet solution in which the helmet can be removed without losing protection within the mask.

The combination of Gallet and Vogliano simply does not teach and/or suggest applicant's integrated mask-helmet assembly which comprises a helmet and a face protection assembly (mask) including an adjustable head harness for sealing the assembly (mask) to the user's face, and wherein the mask assembly and helmet are alternately attachable to and detachable from one another such that respiratory mask protection is not lost.

It is respectfully submitted that since the elements of Claims 1 and 17 are not taught, disclosed, or even suggested by the combined teachings of Gallet and Vogliano or the prior art

previously cited, nor is any motivation provided for the claimed elements of applicant's invention. Claims 1 and 17 should be considered patentable and in condition for allowance. Moreover, since Claims 2-7 and 10-12 are directly or indirectly dependent from Claim 1 and are further limiting thereto, and since Claims 18-20 are directly dependent from Claim 17 and are further limiting thereto, Claims 2-7, 10-12, and 18-20 are also patentable and in condition for allowance.

In the final Office Action, the examiner argues that the head harness of Vogliano and the system taught by Gallet can "work together" because "as shown in figure 8 of Vogliano, the harness has an opening 11 that is large enough to accommodate the vision port and still have a gap between the opening and the outer periphery of the port." It is respectfully submitted that even if the head harness of Vogliano can accommodate the mask of Gallet, such a combination does not teach or suggest applicant's claimed invention. The combination of Vogliano and Gallet merely produces a standard, well-known, non-integrated helmet and mask combination prone to defective face seals and loss of protection.

(b) Whether or not Claims 2, 12, and 18 are unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882 as applied to Claims 1, 2 and 17 above, and further in view of Lane 5,555,569.

Claims 2, 12, and 18 were rejected under §103(a) as unpatentable over the combination of Gallet 4,817,596, in view of Vogliano 5,191,882 as applied to Claims 1, 2 and 17 above, and further in view of Lane 5,555,569. Lane was relied on to teach a position adjustment pad to further secure the assembly. However, as described in the foregoing, Gallet and Vogliano do not teach the modular helmet-mask assembly as described and claimed by applicant in independent

Claims 1 and 17. Lane also does not teach the elements of Claims 1 and 17 when combined with Gallet and Vogliano. Since Claims 2 and 12 are dependent from Claim 1, and Claim 18 is dependent from Claim 17, and are further limiting thereto, these claims are also in condition for allowance.

(c) Whether or not Claim 5 is unpatentable under 35 U.S.C. §103(a) as obvious over Gallet 4,817,596, in view of Vogliano 5,191,882 and further in view of Epperson et al. 6,279,172. Epperson et al. has been relied on as teaching an impact resistant material for the mask-helmet assembly. Epperson also does not teach the elements of Claims 1 and 17 when combined with Gallet and Vogliano. Here again, Claim 5 is dependent from Claim 1, and further limiting thereto. Based on the foregoing, Claim 1 is allowable in view of the prior art cited, and therefore Claim 5 should also be in condition for allowance.

In summary, Claims 1-7, 10-12, and 17-20 are on appeal and based on the foregoing remarks and arguments should be considered in condition for allowance. Accordingly, it is respectfully submitted that the pending claims are patentable and in condition for allowance. Early reconsideration and withdrawal of the rejections is earnestly solicited, as is allowance of the claimed subject matter.

Respectfully submitted,

January 7, 2009
DATE

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8. APPENDIX OF THE CLAIMS ON APPEAL

Claim 1. A modular helmet-mask assembly which comprises:

(a) a helmet capable of enclosing the head of a user, said helmet comprising an impact resistant material; and

(b) a face protection assembly, alternately attachable to and detachable from a front part of said helmet, which face protection assembly comprises

(i) a face protection shell comprising an impact resistant material;

(ii) a vision port through the shell at the level of the eyes of a user;

(iii) a flexible nosecup assembly within the shell, which nosecup assembly is positioned to engage the mouth and nose of a user, said nosecup comprising a breathe-through airflow assembly and a filter unit;

(iv) a flexible face seal, disposed on an inner surface of the shell around the nosecup assembly and the vision port, which face seal is capable of engaging the face of a user; and

(v) an adjustable head harness attached at an surface of the shell or the face seal which is capable of engaging the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face, and

(c) either (i) or (ii):

(i) a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user;

(ii) a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user.

Claim 2. The modular helmet-mask assembly of claim 1 further comprising a position adjustable adjustment pad attached at a rear part of said helmet which engages the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face.

Claim 3. The modular helmet-mask assembly of claim 1 comprising a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user.

Claim 4. The modular helmet-mask assembly of claim 1 comprising a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user.

Claim 5. The modular helmet-mask assembly of claim 1 wherein the impact resistant shell material comprises graphite, fiberglass, or combinations thereof.

Claim 6. The modular helmet-mask assembly of claim 1 wherein the impact resistant lens comprises polycarbonate, polyurethane, or combinations thereof.

Claim 7. The modular helmet-mask assembly of claim 1 wherein the face seal and nosecup comprise an elastic material.

Claim 10. The modular helmet-mask assembly of claim 1 wherein the filter unit comprises a filter element comprising a material capable of filtering chemical vapors and biological aerosols.

Claim 11. The modular helmet-mask assembly of claim 10 wherein the filter element comprises a carbon filter.

Claim 12. The modular helmet-mask assembly of claim 2 wherein said adjustable adjustment pad comprises a tightening adjustment knob or a tightening adjustment lever.

Claim 17. A method for protecting a user's face from chemicals which comprises:

(I) providing a modular helmet-mask assembly which comprises

(a) a helmet capable of enclosing the head of a user, said helmet comprising an impact resistant material; and

(b) a face protection assembly, alternately attachable to and detachable from a front part of said helmet, which face protection assembly comprises

(i) a face protection shell comprising an impact resistant material;

(ii) a vision port through the shell at the level of the eyes of a user;

(iii) a flexible nosecup assembly within the shell, which nosecup assembly is positioned to engage the mouth and nose of a user, said nosecup comprising a breathe-through airflow assembly and a filter unit;

(iv) a flexible face seal, disposed on an inner surface of the shell around the nosecup assembly and the vision port, which face seal is capable of engaging the face of a user; and

(v) an adjustable head harness attached at an surface of the shell or the face seal which is capable of engaging the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face, and

(c) either (i) or (ii):

(i) a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user;

(ii) a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user;

(II) placing the face protection assembly onto a user's head such that the flexible face seal engages the user's face, and such that the nosecup assembly engages the user's mouth and nose;

(III) adjusting the adjustable head harness such that the face seal and nosecup are secured to the user's face;

(IV) placing the helmet onto the user's head such that the helmet encloses the user's head and attaching the helmet to the face protection assembly; and

(V) adjusting the helmet to secure the helmet, face seal, and nosecup assembly to the user's head.

Claim 18. The method of claim 17 wherein the modular helmet-mask assembly further comprises a position adjustable adjustment pad attached at a rear part of said helmet which engages the back of a user's head to thereby adjustably secure the face seal and nosecup assembly to a user's face, the method further comprising adjusting the adjustment pad such that the face seal and nosecup are secured to the user's face.

Claim 19. The method of claim 17 wherein the modular helmet-mask assembly comprises a transparent, impact resistant lens fixed to the vision port at the level of the eyes of a user.

Claim 20. The method of claim 17 wherein the modular helmet-mask assembly comprises a transparent, impact resistant lens rotatably attached at the front part of the helmet and positioned to alternately engage and disengage with the vision port of the shell at the level of the eyes of a user.

9. EVIDENCE APPENDIX

No evidence pursuant to 37 CFR §§1.130, 1.131, or 1.132 has been submitted in the present application.

10. RELATED PROCEEDINGS APPENDIX

No other appeals, interferences or prior judicial proceeding exists for the present application, therefore, no copies of prior decisions rendered by a Court or the Board is available.